

STATE OF WASHINGTON

OFFICE OF
INSURANCE COMMISSIONER

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In the Matter of) No. D 02 - 95
)
Antonino A. Topacio,) ORDER NOT TO
) ISSUE, RENEW, OR
Licensee.) REINSTATE LICENSE
)

To: Licensing Division
 Insurance Commissioner's Office
 Olympia, Washington

Copy to: Antonino A. Topacio
 2910 203rd St SW
 Lynnwood, WA 98036

IT IS ORDERED AND YOU ARE HEREBY NOTIFIED that no insurance agent, broker or solicitor's license shall be renewed, reinstated, or issued to Antonino A. Topacio (the "former licensee") and no appointment or affiliation of the former licensee as an agent will be accepted, until the further order of the Commissioner.

THIS ORDER IS BASED ON THE FOLLOWING:

1. Violations of RCW 48.17.475, Licensee to reply promptly to inquiry by commissioner. The Commissioner sent you written inquiries on April 15, April 30 and a final letter on May 8, 2002 asking for your written response by May 15, 2002. A phone call was received by Investigator Wise on May 17, 2002. You gave no excuse for not responding and said you would be surrendering your license. These inquiries related to the business of insurance and each failure to respond promptly in writing violated RCW 48.17.475.

2. Violations of RCW 48.17.480, Reporting and accounting for premiums, RCW 48.17.600, Separation of premium funds, RCW 48.30.190, Illegal dealing in premiums, WAC 284-12-080, Requirements for separate accounts, and RCW 48.18.240 Binders.

- a. Tan and Kim Nguyen, d.b.a. Tony's Catering, issued a check January 17, 2001 in the amount of \$1,388.00 made payable to you. The money was intended to purchase insurance through Progressive Insurance Companies for a 1982 Chevy used in the business. It was discovered that the policy was not purchased and you diverted the monies for your personal use.

- b. Tony's Catering issued another check January 19, 2001 in the amount of \$588.80 made payable to you. The money was intended to purchase a general liability policy for Tony's Catering. It was discovered that the policy was not purchased and you diverted the monies for your personal use. You then issued a false certificate of insurance to Tony's Catering using a false certificate number listing Indian Harbor Insurance Company as the insurance company.
- c. Jesse L. Burrows, d.b.a. JJ Concrete, in June 2001 gave you \$1,200 cash which was to be used for the purchase of general liability insurance and a contractor's bond. You gave \$300 to the Dickison Insurance Agency's bookkeeper for the bond and kept the \$900 for your personal use. You then issued a false certificate of insurance to the State of Washington using a false certificate number listing Indian Harbor Insurance Company as the insurance company.

By this conduct, the former licensee has demonstrated himself to be untrustworthy and a source of injury and loss to the public and not qualified to be licensed as an insurance agent or solicitor. This refusal to renew, reinstate, or reissue a license is pursuant to RCW 48.17.070 and RCW 48.17.530(1) (b), (d), and (h).

NOTICE TO THE FORMER LICENSEE CONCERNING YOUR RIGHT TO A HEARING.

You have a right to demand a hearing pursuant to RCW 48.04.010 if aggrieved by this act of the Commissioner. Please note that a detailed summary of your right to contest this Order is attached. Briefly, if you are aggrieved by this Order, RCW 48.04.010 permits you to demand a hearing. Pursuant to that statute and others: You must demand a hearing, in writing, within 90 days after the date of this Order, which is the day it was mailed to you, or you will waive your right to a hearing. Your demand for a hearing must specify briefly the reasons why you think this Order should be changed. Upon receipt of your demand for hearing, you will be contacted by an assistant of the Chief Hearing Officer to schedule a teleconference with you and the Insurance Commissioner's Office to discuss the hearing and the procedures to be followed.

Please send any demand for hearing to Insurance Commissioner, attention Scott Jarvis, Deputy Insurance Commissioner, Office of the Insurance Commissioner, P.O. Box 40257, Olympia, WA 98504-0257.

ENTERED AT LACEY, WASHINGTON, this 18th day of June, 2002.

MIKE KREIDLER
Insurance Commissioner

By

SCOTT JARVIS
Deputy Commissioner

Investigator: Marianne Wise